

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

YADKIN RIVERKEEPER, INC., AND )  
WATERKEEPER ALLIANCE, INC., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
DUKE ENERGY CAROLINAS, LLC, )  
 )  
Defendant. )  
\_\_\_\_\_ )

**EXHIBIT 2**

**TO**

**COMPLAINT**

## **DECLARATION OF GAYLE GOLDSMITH TUCH**

I, Gayle Goldsmith Tuch, declare as follows:

1. My name is Gayle Goldsmith Tuch and I have personal knowledge of the matters stated herein. I am over the age of 18 years and suffer from no legal incapacity. I have lived in Clemmons, Forsyth County, North Carolina for 15 years, close to the Yadkin River.
2. I am an attorney in private practice and have a Masters Degree in Environmental Science. I am currently working on an L.L.M. in Environmental Law and have been working on environmental issues for over 30 years.
3. I was nominated to the Board of Directors of Yadkin Riverkeeper, Inc. in January, 2010 and was the President of its Board from October 2011 through January 2014. Yadkin Riverkeeper, Inc. is a § 501(c)(3) nonprofit public interest organization founded in January 2008 with its principal place of business in Winston-Salem, North Carolina.
4. Yadkin Riverkeeper, Inc. has over 500 members, supporters, and affiliate constituents in North Carolina. Our email listserve is close to 5,000. Our members work and reside throughout the Yadkin River Basin and watershed.
5. Yadkin Riverkeeper, Inc. is a licensed member of the Waterkeeper Alliance, which connects and supports local Waterkeeper programs to provide a united voice and to champion clean water issues around the world. The Waterkeeper Alliance seeks to protect fishable, swimmable and drinkable waterways worldwide.
6. Yadkin Riverkeeper, Inc. is the sole Riverkeeper for the entire Yadkin watershed, including the portions of the river that have been impounded to form Lake Tillery, Badin Lake, and High Rock Lake.

7. As an active Board Member of the Yadkin Riverkeeper, Inc., I have personal knowledge of the commitment of our board members, staff, volunteers and members who are committed to our organization's mission, which is to respect, protect and improve the Yadkin Pee Dee River Basin through education, advocacy and action.

8. To carry out our mission, the Yadkin Riverkeeper, Inc. provides programs including, but not limited to, the Annual Tour de Yadkin (a 3 week paddle down the Yadkin River which brings out beginners and experienced paddlers, young and old), Operation Medicine Cabinet (a collaborative effort with law enforcement to collect unused pharmaceuticals, thereby protecting our rivers and streams from the effects of drug contamination), river clean-ups and educational programs, such as the upcoming Clean Water Weekend September 26 – 28, 2014. Yadkin Riverkeeper Inc. monitors and participates in highway and transportation planning in areas that will impact the River basin. Yadkin Riverkeeper Inc. brings legal action, when necessary, to enforce state and federal environmental laws on issues that affect the Yadkin Pee Dee River basin.

9. In regard to the Yadkin Riverkeeper, Inc.'s standing before this Court, several members of the Board of Directors of the Yadkin Riverkeeper, Inc. work and reside near and downstream of the Buck coal ash lagoons and fish from and otherwise use and enjoy the nearby waters. In addition, members of the organization live, work, and recreate nearby and downstream of the Buck plant. By virtue of my position as a Board Member of the Yadkin Riverkeeper, Inc., I am aware that some of our members living near the Buck Steam Station rely on wells to provide drinking water and water for other household uses; that tests of their well water has disclosed the presence of contaminants associated with coal ash; and that these members are concerned about the safety of their water and its effects on them and their family. I

also understand that some of our members hunt game and fish in the vicinity of the lagoons and that they have concerns that the meat they are eating may be contaminated and injurious to their health.

10. Several of our staff, board members and I have reviewed public files, attended public meetings and conducted monitoring activities regarding the Buck site.

11. Yadkin Riverkeeper, Inc.'s Board and members are concerned about the health and safety of those who live and work near the the Buck site's coal ash lagoons, who drink the water from the wells and fish from the river.

12. Yadkin Riverkeeper, Inc.'s Board and members are concerned about environmental contamination caused by toxins in coal ash seeping into surface water and groundwater supplies, ultimately affecting the Yadkin River.

13. I am concerned about the above, as well as, bioaccumulation of toxins in area wildlife.

14. The concerns of the Yadkin Riverkeeper, Inc. and its members would be addressed by a court decision declaring that Duke Energy is violating the Clean Water Act and requiring Duke Energy to take immediate action to stop the flow of pollutants into the groundwater and surface waters, to empty the coal ash impoundments of all coal combustion wastes, to move its storage of coal ash from unlined impoundments and away from banks of Yadkin River, to remediate the groundwater contamination at Buck, and to pay civil penalties for its legal violations.

15. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Signed this 29<sup>th</sup> day of August, 2014.

  
Gayle Goldsmith Tuch